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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

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12 UNITED STATES OF AMERICA

13 Plaintiff,
14 v.

No. CR 03-0095 WBS

ORDER

15 AMR MOHSEN and ALY MOHSEN,

16 Defendants.
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19 Counsel for Magna Metwally has submitted a letter
20 requesting that the proceedings of August 3, 2006, particularly
21 the testimony of Ms. Metwally, be sealed "to protect legitimate
22 privacy and privilege interests." There was no suggestion
23 whatsoever of any privacy or privilege issues at the time of the
24 hearing; nor was there any request that the proceedings be held
25 ex parte or in camera. To the contrary, the questioning of Ms.
26 Metwally was openly invited by her attorney and was conducted,
27 both by the court and by the United States Attorney, without any
28 objection from her attorney. There is a compelling public policy


1 against sealing proceedings held in open court in criminal cases.
2 Cf. Associated Press v. United States District Court, 705 F.2d
3 1143 (9th Cir. 1983). No showing has been made to justify an
4 exception here.

5 Ms. Metwally's attorney also now seeks leave to
6 withdraw the exhibits which she filed in response to the
7 government's request for CJA reimbursement. There is a
8 presumption against sealing documents filed with the court,
9 particularly when the request is made, as here, after the fact.
10 Cf. Foltz v. State Farm Mutual Auto. Insurance Company, 331 F.3d
11 1122, 1134-1136 (9th Cir. 2003). Again, there was no request at
12 the time that the documents be filed under seal, and no valid
13 reasons are offered now to overcome the presumption that these
14 documents remain a part of the public record.

15 IT IS THEREFORE ORDERED that Magna Metwally's request
16 to seal the proceedings held in open court on August 3, 2006, or
17 any part thereof, be, and the same hereby is, DENIED.

18 IT IS FURTHER ORDERED that Magna Metwally's request for
19 the return of her exhibits be, and the same hereby is, DENIED.

20 DATED: August 7, 2006

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23 WILLIAM B. SHUBB
24 UNITED STATES DISTRICT JUDGE
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